REMARKS

The Office Action mailed March 24, 2006, has been carefully considered by Applicant. Reconsideration is respectfully requested in view of the foregoing claim amendments and the remarks that follow.

Claims 1-11 have been rejected under 35 U.S.C. §102(b) as being anticipated by Oshiro Japanese Patent Publication No. 2001-260666A. By the present Amendment, claim 1 is amended to more particularly point out and distinctly claim the subject matter of the present invention, and render the same allowable over the applied reference.

Claim 1 is amended to specifically state that the mounting portion, the connecting portion and the connective portion are formed from conductive rubber elastic material so as to have flexibility, respectively. An example of conductive rubber elastic material is vulcanized rubber or thermoplastic elastomer, please see the present application, page 4, paragraph [0010], so as to have flexibility. According to the unique arrangement of claim 1, the connective portion can be bowed or flexed such that the mounting portion can be easily fitted on a connector and the connecting portion can be easily connected to an earth member, corresponding to the locational relationship between the connector and the earth member.

On the contrary, Oshiro discloses only a bracket (62) for securely fixing connector (61) to a vehicle body panel (52), see Fig. 6. The cited reference does not disclose that the bracket (62) is flexible, and does not suggest that the bracket (62) is formed from rubber elastic material. Rather, the bracket (62) is formed from the same material as that of a mounting base portion (34) in Fig. 1, namely the same hard plastic material as that of connector (61). Further, the bracket (62) inherently must have a hardness that is sufficient to hold metal clip (36) by recesses (42) formed in a post (35), please see Fig. 5. In addition, the bracket (62) also has to have sufficient rigidity to insert the clip (36) in a mounting bore (53) of the vehicle body panel (52) while deforming the clip (36).

Therefore, Fig. 6 of the cited reference does not disclose any technique with respect to the structure of the bracket (62) itself for corresponding to a locational

relationship between the connector (61) and the vehicle body panel (52), except for a technique that allows an annular portion (63) to rotate with respect to the connector (61). The Examiner recognizes that a portion indicated by reference numeral (34) has a flexible portion formed from elastic material based upon the text of paragraph [0014]. However, paragraph [0014] is a description of the clip (36) as discussed below. Therefore, the Examiner's notation is not relevant.

> English translation of paragraph [0014] of Oshiro JP 2001-260666:
> Second aspect of the invention is to provide an antistatic device for a conductive resin tube in first aspect of the present invention wherein the conductive means (earth means) is composed of a conductive clip. The conductive clip leads to the connector and is fitted in and attached to a mounting bore of the vehicle body.

Claim 1 is therefore believed allowable over the applied references.

Claims 2-11 depend directly or indirectly from claim 1 and are thus believed allowable for the reasons stated above, as well as the subject matter recited therein.

Regarding claim 4, the Examiner disregards a portion of the claim based upon the product-by-process doctrine. Claim 4 is amended to remove the language "is constructed by" and insert the word "comprises". As such, claim 4 does not recite a product-by-process limitation. Reconsideration of the unique limitations set forth in claim 4 is thus requested.

Claim 5 is amended to more particularly state that the mounting portion comprises a cap configuration so as to be capped on and mounted to the outer periphery of a longitudinal portion of the conductive connector. Such an arrangement is shown, for example in Figs. 13 and 14, element 149. In contrast, the cited reference teaches a ring (63) that is not arranged to mount to the outer periphery of a longitudinal portion of the conductive connector.

Regarding claim 8, the Examiner states that reference numeral (20) indicates finger grips. However, members (20) are annular stop projecting portions formed on an outer periphery of a connecting tube portion (15) of the connector (61).

According to claim 8, a finger grip is provided on the connecting portion. A corresponding structure in the cited reference could be the fixing portion (32). However, the fixing portion (32) is inserted in the mounting bore (53) of the vehicle body (52). There is no room for providing a finger grip on the fixing portion (32).

Conclusion

The present application is thus believed in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By _____

Peter T. Holsen
Reg. No. 54,180

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202
Telephone: (414) 271-7590
Facsimile: (414) 271-5770